

REMARKS

Claims 15-23 and 25-32 are pending in this application. By this Amendment, claims 15, 19, 23, 27, 31 and 32 are amended.

Claims 15-18, 23, 25, 26 and 31 are rejected under 35 U.S.C. §103(a) over U.S. 2004/0083039 to Hunt in view of U.S. 5,929,594 to Nonobe, and claims 19-22, 27-30 and 32 are rejected under 35 U.S.C. §103(a) over Hunt in view of Nonobe and EP 1,220,413 to Ohkubo. The rejections are respectfully traversed.

It is asserted that the combination of references fails to disclose or suggest all of the features of claim 15. At least two reasons are provided below.

(1) Claim 15 recites a control portion that computes a supply electric power set value, which is an amount of electric power that needs to be supplied from the electric power storage device; measures an actual supply electric power value indicating an amount of electric power that is actually supplied from the electric power storage device; and determines whether the supply electric power set value is greater than or less than the actual supply electric power value.

In the Office Action, page 3, the Examiner refers to Hunt's discussion about equilibrium at paragraph [0039] and Hunt's determination of HVEC error based on a difference between a measured current (I_{HVEC}) (alleged actual supply electric power value) and the requested current (I_{REQ}) (alleged supply electric power set value) at paragraph [0047].

Applicant does not agree with the Examiner's analysis because Hunt is not concerned about power supplied from the battery 32 (alleged electric power storage device), but is concerned about power output from the fuel cell 41 (paragraph [0009], for example). In addition, the equilibrium discussed at paragraph [0039] is a state where the fuel cell 12 supplies most or all of the current while the battery 32 supplies a constant current (which

includes little or no current). Furthermore, the measured current (I HVEC) and the requested current (I REQ) at paragraphs [0039] and [0047] are used to determine if the entire system is at equilibrium. It is thus not reasonable to assert that the measured current (I HVEC) and the requested current (I REQ) is an amount of electric power that needs to be supplied or indicates an amount of electric power that is actually supplied from an electric power storage device as recited in claim 15.

Nonobe and Ohkubo fail to overcome the above deficiencies of Hunt. Nonobe and Ohkubo are instead used to suggest other features of claim 15. Therefore, even if the references are combined, the combination fails to disclose or suggest at least one feature of claim 15, and that feature would not otherwise have been obvious.

(2) Claim 15 recites a control portion that also changes an amount of electric power consumed by the load portion to increase or decrease consumption after the control portion determines that the supply electric power set value is greater than or less than the actual supply electric power value.

Hunt's IPT 14 and vehicle load 44 are similar to the load portion of claim 15. In Hunt, the HVEC error is the difference between a measured current (I HVEC) and the requested current (I REQ), which may be generated by the EMM 39 (paragraph [0047]). In addition, the HVEC error is received by the HVEC controller 38 and used to generate a voltage command for the HVEC 34. In the Office Action, the Examiner applies Nonobe to assert that it would have been obvious to modify Hunt in order to change an amount of electric power consumed by the load portion. However, as discussed in Hunt, the difference is used to generate a voltage command for the HVEC 34, and is not for the IPT 14 or the vehicle load 44 (load portion). Applicant thus does not agree that it would have been obvious to modify Hunt as suggested by the Examiner based on Nonobe or another reference.

Nonobe discloses that the amount of electric power consumed by the load portion, including the motor 32 and the auxiliary machinery 34, is restricted based on the remaining charge of the storage battery 30 (col. 11, lines 56-58). Nonobe thus discloses a simple control to restrict the supply of electric power to the load portion when the detected remaining charge of the storage battery 30 is less than a predetermined level.

The combination of Hunt and Nonobe is thus significantly different than the control portion of claim 15 and the advantages that can be achieved by claim 15. As a result of the control portion of claim 15, an excessive charging and discharging can be prevented (Applicant's paragraph [0048], for example). That is, the state of charge of the battery is constantly kept within a certain range, which is advantageous for a battery for example (paragraph [0008], for example). The combination of Hunt and Nonobe thus fails to disclose or suggest all of the features of claim 15, and Ohkubo fails to overcome the above deficiencies of Hunt and Nonobe.

* * * *

As should be obvious, the combination of references fails to disclose or suggest all of the features of independent claims 19, 23, 27, 31 and 32 for reasons similar to independent claim 15. The dependent claims are allowable based on their dependence from one of the independent claims and for the additional features that they recite. It is respectfully requested that the rejections be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

James A. Cliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:SMS/axl

Date: March 8, 2011

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**
Please grant any extension
necessary for entry of this filing;
Charge any fee due to our
Deposit Account No. 15-0461